

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

D'WAYNE CARPENTER,)
)
 Plaintiff,)
)
 v.) Civil Action No. 04CV40043WGY
)
 DAVID L. WINN, et al.)
)
 Defendants.)

MOTION TO EXTEND TIME IN WHICH TO RESPOND TO COMPLAINT

Now comes the defendant, David L. Winn, Warden, the Federal Medical Center in Devens, Massachusetts ("FMC Devens"),¹ and hereby moves this Court for a one month extension of time **up to and including July 16, 2004**, to answer or otherwise respond to the Complaint. As reasons therefore, the undersigned counsel for Defendant Warden Winn asserts that such an extension will allow counsel the necessary time to obtain relevant facts and background information of this matter.

Defendant asserts that there have been no prior requests for extensions in this action.

WHEREFORE, Defendant respectfully requests that this Court allows its motion for an extension of time **up to and including**

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, Defendant is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. Defendant intends to raise those defenses when it answers or otherwise responds to the Complaint.

July 16, 2004, to answer or otherwise respond to the Complaint.

Respectfully submitted,

DEFENDANT DAVID L. WINN,
By his attorney,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Gina Y. Walcott-Torres
By: Gina Y. Walcott-Torres
Assistant U.S. Attorney
John Joseph Moakley U.S.
Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3369

Dated: June 7, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this 9th day of June 2004, served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

D'Wayne Carpenter (#05823-016), *pro se*, P.O. Box 879, Ayer,
MA 01432

/s/ Gina Y. Walcott-Torres
Gina Y. Walcott-Torres
Assistant United States Attorney

REQUEST FOR WAIVER OF LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel hereby requests a waiver of the requirements of Local Rule 7.1(A)(2). As reasons therefore, she asserts that the plaintiff, who is acting *pro se*, is incarcerated at the Federal Medical Center in Devens, Massachusetts.

/s/ Gina Y. Walcott-Torres
Gina Y. Walcott-Torres
Assistant United States Attorney